

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

SHAMROCK FOODS COMPANY

and

Case 28-CA-150157

**BAKERY, CONFECTIONERY, TOBACCO
WORKERS' AND GRAIN MILLERS
INTERNATIONAL UNION, LOCAL
UNION NO. 232, AFL-CIO-CLC**

**GENERAL COUNSEL'S LIMITED CROSS-EXCEPTIONS
TO ADMINISTRATIVE LAW JUDGE'S DECISION**

The General Counsel takes the following limited cross-exceptions to the Decision of Administrative Law Judge Jeffrey D. Wedekind (the ALJ), JD(SF)-05-16, dated February 11, 2016, in the above-captioned cases, pursuant to § 102.46 of the Rules and Regulations of the National Labor Relations Board (the Board):

1. The General Counsel excepts to the ALJ's failure to find that Respondent's rule entitled, "Requests by Regulatory Authorities," interfered with, restrained, and coerced employees in the exercise of their rights under Section 7 of the National Labor Relations Act (the Act), in violation of Section 8(a)(1) of the Act. (ALJD 47:22-48:2)

2. The General Counsel excepts to the ALJ's failure to find that Respondent's rule entitled, "Company Spokespeople," interfered with, restrained, and coerced employees in the exercise of their rights under Section 7 of the Act, in violation of Section 8(a)(1) of the Act. (ALJD 48:17-48:24)

3. The General Counsel excepts to the ALJ's failure to find that Respondent's rule entitled, "Monitoring Use," interfered with, restrained, and coerced employees in the exercise of

their rights under Section 7 of the Act, in violation of Section 8(a)(1) of the Act. (ALJD 49:35-50:6)

4. The General Counsel excepts to the ALJ's failure to find that the portion of Respondent's rule entitled, "No Solicitation, No Distribution," requiring employees to seek Respondent's approval to post materials on Respondent's bulletin boards interfered with, restrained, and coerced employees in the exercise of their rights under Section 7 of the Act, in violation of Section 8(a)(1) of the Act. (ALJD 58:17-58:27)

5. The General Counsel excepts to the ALJ's failure to find that Respondent, by maintaining policies in its Associate Handbook, threatened its employees with discipline and/or discharge for violating the overly-broad and discriminatory rules described in paragraphs 5(b)(5) and 5(b)(9) through 5(b)(12) of the Complaint.

6. The General Counsel excepts to the ALJ's failure to find that the confidentiality provision in Respondent's separation agreement interfered with, restrained, and coerced employees in the exercise of their rights under Section 7 of the Act, in violation of Section 8(a)(1) of the Act. (ALJD 44:35-44:39)

7. The General Counsel excepts to the ALJ's failure to order a remedy for Respondent's promulgation and maintenance of the rules and provisions describe above in Exceptions 1 through 7. (ALJD 63:11-66:30; Appendix)

8. The General Counsel excepts to the ALJ's failure to include in his recommended Order a requirement that Respondent reimburse discriminatee Thomas Wallace (Wallace) for all search-for-work and work-related expenses regardless of whether Wallace received interim earnings in excess of these expenses, or at all, during any given quarter, or during the overall backpay period. (ALJD 62:fn.89; ALJD 64:21-66:30)

WHEREFORE, the General Counsel respectfully requests that the Board grant the above exceptions, for the reasons set forth in the accompanying General Counsel's Brief in Support of Exceptions to Administrative Law Judge's Decision.

Dated at Phoenix, Arizona, this 7th day of April, 2016.

Respectfully submitted,

/s/ Sara Demirok
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CERTIFICATE OF SERVICE

I hereby certify that a copy of **GENERAL COUNSEL'S LIMITED CROSS-EXCEPTIONS TO ADMINISTRATIVE LAW JUDGE'S DECISION** in Case 28-CA-150157 was served by E-Filing and E-mail on this 7th day of April, 2016, on the following:

Via E-Filing:

The Honorable Gary Shinnors
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National Labor Relations Board
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